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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,433	07/16/2003	J. Richard Hanna	D-1116R1 CIP	1731
28995	7590	05/19/2008		
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			EXAMINER GREIMEL, JOCELYN	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 05/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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TECHNOLOGY CENTER 3800

Ralph E. Jocke
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231 South Broadway
Medina, Ohio 44256

In re Application of
Hanna, et al.
Application No. 10/621,433
Filed: July 16, 2003
For: **AUTOMATED BANKING
APPARATUS AND METHOD**

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: **DECISION ON PETITION**
: **UNDER 37 CFR §1.181**
:
:
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This is a decision on applicants' Petition to the Commissioner according to 37 CFR 1.181 which was filed November 19, 2007.

The petition is **GRANTED** to the extent indicated below.

Applicant's petition filed November 19, 2007 requests that:

1. The Amendment filed October 5, 2007 be entered because the Examiner withdrew the finality of the Office Action dated August 7, 2007 when she issued the 2nd Final on November 2, 2007.
2. The Final Office action dated November 2, 2007 be withdrawn as improper because it does not take into consideration all the pending claims.

A review of the record shows that Applicants submitted an amendment to the claims on May 22, 2007, specifically adding claims 33 and 34. A Final Office action was mailed on August 7, 2007, which failed to properly address the newly added claims (33 and 34). Next, an After Final amendment with arguments was entered on October 5, 2007 adding claims 35-39 and arguing the finality of the previous Office action. On November 2, 2007, the Examiner issued a 2nd Final Office action, which included a proper rejection of claims 33 and 34 and the following statement, "This Final Rejection is being reissued to correct typographical errors and clarify the rejection. The newly submitted amendments will not be entered."

MPEP 706.07(e) states:

When a final rejection is withdrawn, all amendments filed after the final rejection are ordinarily entered.


The record supports that the Final Office action dated August 7, 2007 is improper because it did not include a proper grounds of rejection statement for claims 33 and 34. As a result, the Examiner reopened prosecution in order to properly address these claims. As per MPEP 706.07(e) Applicants' amendments filed October 5, 2007 should have been entered.

As an additional matter, the record shows that this Application is abandoned as of May 2, 2007 stemming from the Final Office action mailed November 2, 2007. However, as noted above the Final Office action mailed November 2, 2007 is incomplete since the amendment of October 5, 2007 was not entered, which as a matter of right should have been entered when the Final Office Action of August 7, 2007 was vacated and replaced with the Office action of November 2, 2007. Since the Final Office action mailed November 2, 2007 is incomplete for failure to treat all claims, the Office action is hereby **vacated**. Furthermore, the abandonment of this case is hereby withdrawn.

SUMMARY: The petition is **GRANTED**, to the extent indicated above.

This application will be forwarded to the Head Supervisory Legal Instruments Examiner for removal of the "abandoned" status of the application and entry of the October 5, 2007 amendment.

Any inquiries regarding this decision should be directed to Jay Kramer, Supervisory Patent Examiner, at (571) 272-6783.



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